

Patent  
Attorney's Docket No. 012627-041

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	Group Art Unit: Unassigned
Eberhard AMTMANN et al.	)	Examiner: Unassigned
Application No.: 10/525,500	)	Confirmation No.: 7509
(Corresponds to PCT/EP03/09247)	)	
International Filing Date: August 20 2003	)	
For: A PHARMACEUTICAL PREPARATION	)	
CONTAINING PALLADIUM COMPLEX	)	
COMPOUNDS AND THE USES	)	
THEREOF FOR TREATING CANCER	)	
AND AUTOIMMUNE DISEASE	)	

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office mailed July 25, 2005, enclosed is a Declaration executed by the inventors in compliance with 37 CFR 1.497(a) and (b). The Notification also indicates that a multiple dependent claim surcharge is also required. Applicants believe no such charge is required, because a Preliminary Amendment eliminating the multiple dependent claims was filed with the original application on February 23, 2005. A copy of the Preliminary Amendment and a date-stamped postcard receipt is enclosed.

Should the Examiner have any questions concerning the above-captioned application, a telephone call to the undersigned would be appreciated.

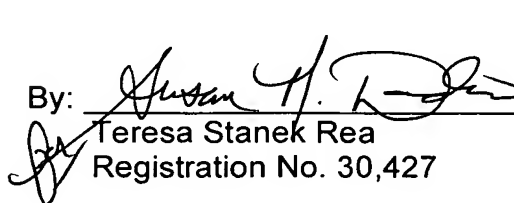
Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: September 26, 2005

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

By:

  
Teresa Stanek Rea  
Registration No. 30,427

Reg. No. 40,323  
SUSAN M. DADIO

PCT Postcard

DT07 Rec'd PCT/PTO 23 FEB 2005

## Applicant/

Inventor: AMTMANN, Eberhard et al.

Appl. No.

10/525500

Docket No.: 012627-041

Working Atty.: Teresa Stanek Rea/btp

Date: February 23, 2005

Title: A PHARMACEUTICAL PREPARATION CONTAINING PALLADIUM COMPLEX COMPOUNDS AND  
THE USES THEREOF FOR TREATING CANCER AND AUTOIMMUNE DISEASE

Dkt. Clerk Initials

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

☐ Transmittal Letter to the U.S. Receiving Office/  
Response to Invitation (PTO-1382)

☒ Transmittal Letter to U.S. Designated/Elected  
Office (DO/EQ/US) Concerning Filing Under  
35 USC 371 (PTO-1390)

☐ PCT Request (PCT/RO/101) ( ) pgs.

## INCLUDING:

☒ Specification (pages 1 - 14 )

☒ Claims (claims(s) 1 - 12 , 2 pgs.)

☒ Drawings (Fig(s). 1 - 5 , 5 pgs.)

☒ Abstract of the Disclosure

☐ PCT Fee Calculation Sheet Annex to the Request  
(PCT/RO/101 (Annex))

☐ PCT Demand (PCT/IPEA/401) International  
Preliminary Examination Report

☐ PCT Fee Calculation Sheet Annex to Demand for  
Int'l. Preliminary Exam. (PCT/IPEA/401 (Annex))

☐ PCT Notice of Confirmation of Precautionary  
Designations (PCT/RO/144)

☐ Executed Declaration/Power of Attorney

☐ Unexecuted Declaration/Power of Attorney

☐ Assignment/Assignment Recordation Form  
Cover Sheet (PTO-1595)

☐ Appointment of Agent

☒ Preliminary Amendment

☐ Information Disclosure Statement Transmittal

☒ Information Disclosure Citation (PTO-1449)

☒ Information Disclosure Statement w/ 0 document(s)

☒ Patent Application Data Sheet

☒ Gen. Authorization for Petition for Ext. of Time  
and Payment of Fees

☐ Diskette

☐ Check for \$ is enclosed

☐ Check for \$ is enclosed

☐ Charge \$ to Deposit Account

☒ Charge \$ 500.00 to credit card. Form  
PTO-2038 is attached.

☒ PCT/IPEA/409

☒ PCT/ISA/210

☒ WO 2004/018043 A1

☐

If submitting documents via Express Mail, provide the Express Mailing Label No. below.

Express Mail Mailing Label No.

Substitute for Form PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 012627-041	
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/525,500	
INTERNATIONAL APPLICATION NO. PCT/EP2003/009247		INTERNATIONAL FILING DATE 20 August 2003		PRIORITY DATE CLAIMED 23 August 2002	
TITLE OF INVENTION  <b>A PHARMACEUTICAL PREPARATION CONTAINING PALLADIUM COMPLEX COMPOUNDS AND THE USES THEREOF FOR TREATING CANCER AND AUTOIMMUNE DISEASE</b>					
APPLICANT(S) FOR DO/EO/US Eberhard AMTMANN et al.					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1. <input type="checkbox"/> This is a <b>FIRST</b> submission to items concerning a filing under 35 U.S.C. 371.					
2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.					
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.					
4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).					
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))					
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).					
b. <input type="checkbox"/> has been communicated by the International Bureau...					
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).					
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))					
a. <input type="checkbox"/> is attached hereto.					
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).					
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))					
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).					
b. <input type="checkbox"/> have been communicated by the International Bureau.					
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.					
d. <input type="checkbox"/> have not been made and will not be made.					
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).					
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).					
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).					
Items 11 to 21 below concern document(s) or information included:					
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.					
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.					
13. <input type="checkbox"/> A FIRST preliminary amendment.					
14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.					
15. <input type="checkbox"/> A substitute specification.					
16. <input type="checkbox"/> A change of power of attorney and/or address letter.					
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.					
18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).					
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).					
20. <input checked="" type="checkbox"/> Other items or information: <u>Copy of Notification of Missing Requirements and Response to Notification of Missing Requirement</u>					
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U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <div style="text-align: center;">10/525,500</div>	INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/EP2003/009247</div>	ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">012627-041</div>
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21. ☐ Applicant(s) requests that the published application include the following assignment information:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

22. ☒ The following fees are submitted:

Basic Filing Fee (1631)				\$ 0.00
Surcharge of \$130.00 (1617) for furnishing the oath or declaration later than _____ months from the earliest claimed priority date (37 CFR 1.492(e)). <span style="float: right;"><input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30</span>				\$ 130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total Claims	-20 =	0	X \$50.00 (1615)	\$ 0.00
Independent Claims	- 3 =	0	X \$200.00 (1614)	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00 (1616)
Examination Fee				+ \$200.00 (1633)
Search Fee				+ \$500.00 (1632)
App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)				
TOTAL OF ABOVE CALCULATIONS =				\$ 130.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+ \$ 65.00
SUBTOTAL =				\$ 65.00
Processing fee of \$130.00 (1618) for furnishing the English translation later than _____ months from the earliest claimed priority date (37 CFR 1.492(f)). <span style="float: right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span>				\$ 0.00
TOTAL NATIONAL FEE =				\$ 65.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property +				
TOTAL FEES ENCLOSED =				\$ 65.00

CALCULATIONS PTO USE ONLY

09/29/2005 KAYPAGH 00000143 10525500

01 FC:2617

a. ☒ A check in the amount of \$ 65.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

d. ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

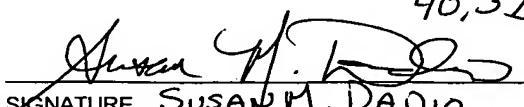
Burns, Doane, Swecker & Mathis, L.L.P.

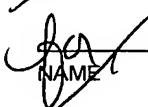
P.O. Box 1404

Alexandria, Virginia 22313-1404

(703) 836-6620

Reg. No. 40,323

  
 SIGNATURE SUSAN M. DAOIO

  
 NAME Teresa Stanek Rea

30,427      September 26, 2005  
 REGISTRATION NO.      DATE

Rec'd PCT/PTO 26 SEP 2003



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,500	Eberhard Amtmann	012627-041

INTERNATIONAL APPLICATION NO.

PCT/EP03/09247

I.A. FILING DATE

08/20/2003

PRIORITY DATE

08/23/2002

Burns Doane Swecker & mathis  
 P O Box 1404  
 Alexandria, VA 22313-1404

CONFIRMATION NO. 7509

371 FORMALITIES LETTER



\*OC000000016540129\*

Date Mailed: 07/25/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/23/2005
- Copy of the International Search Report filed on 02/23/2005
- Copy of IPE Report filed on 02/23/2005
- Preliminary Amendments filed on 02/23/2005
- Information Disclosure Statements filed on 02/23/2005
- U.S. Basic National Fees filed on 02/23/2005
- Priority Documents filed on 02/23/2005

TSR  
 CM

7/26/05  
 9/25/05  
 MISS. PART DUE

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$180 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$245** for a Small Entity:

- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$ 180**
  - **\$180** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,500	PCT/EP03/09247	012627-041

FORM PCT/DO/EO/905 (371 Formalities Notice)